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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,076	10/17/2001	Robert Cahn	2000-0605	7271

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EXAMINER

BAUTISTA, XIOMARA L

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/982,076	Applicant(s) CAHN, ROBERT	
	Examiner X L Bautista	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. New corrected drawings are required in this application because figures 1, 2, and 4-6 include shading, which makes the drawing's elements and details difficult to read and understand. Correction is required. See 37 CFR 1.84(m).
2. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.
3. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1, 3-5, 7, and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by *Thompson-Rohrlich* (US 5,504,852).**

Claims 1 and 7:

Thompson-Rohrlich discloses a graphical user interface having option areas (menus) for displaying to a user functions (menu objects). Thompson-Rohrlich teaches that the option areas may be activated (opened) when the user manipulates the input device (clicking on an icon representing a folder (menu)) for displaying in a separate menu the functions that are displayable to the user in the option area. Thompson-Rohrlich shows in fig. 3 a folder 32 (instrumentality) that activates window "Nutshell Mail" when the icon is selected using an input device (abstract; col. 1, lines 42-67; col. 3, lines 32-66).

Claims 3 and 9:

See claim 1. Thompson-Rohrlich teaches that users can activate (open) a menu (window) by clicking on an icon (abstract; col. 1, lines 42-67; col. 3, lines 32-66; fig. 3).

Claims 4 and 10:

See claim 1. Thompson-Rohrlich explains that after clicking icon 32 (fig. 3) a separate menu is activated, which lists the objects (options) contained in folder 32 that are hidden from the user's view (col. 3, lines 32-45).

Claims 5 and 11:

See claim 1. Thompson-Rohrlich teaches a graphical user interface having a plurality of option areas (fig. 3).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Thompson-Rohrlich* and *King et al* (US 6,307,549 B1).**

Claims 2 and 8:

Thompson-Rohrlich does not teach an instrumentality comprising a sequence of keystrokes. However, King discloses a reduced keyboard using word level disambiguation to resolve ambiguities in keystrokes (abstract; col. 2, lines 61-67).

King teaches that users can enter a sequence of keystrokes to be interpreted as a system command such as accessing a menu (col. 3, lines 44-48; col. 18, lines 19-23). Therefore, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify Thompson-Rohrlich's graphical user interface to include King's teaching of accessing menus because the user is enabled to manipulate icons or windows by pressing a key or a series of keys whenever the use of another input device such as a mouse is not possible or just as a second option.

8. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Thompson-Rohrlich* and *Wong et al* (US 6,175,364 B1).

Claims 6 and 12:

Thompson-Rohrlich teaches that the menus (viewers) may change color or the icons may change appearance upon finding new files meeting a search criteria (col. 6, lines 49-52; col. 8, lines 25-29) but does not that each option area (menu) comprises a separate color. However, Wong discloses a method for interfacing graphical user interface (GUI) container with graphical user interface component objects. The GUI includes a plurality of sliding panels (containers) located on the edges of main window of the GUI. A user may access a container by manipulating the "handle" of the sliding panel. Wong teaches that a unique color is used to

identify a particular sliding panel (col. 2, lines 41-54; col. 3, lines 19-28; col. 4, lines 54-67; col. 5, lines 1-7). Thus, it would have been obvious to a person having ordinary skill in the art at the time of invention to modify Thompson-Rohrlich's GUI to include Wong's use of color to identify different menus because as Wong says the use of different colors enable the user to distinguish between menus.

Conclusion

9. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach creation of menus containing a list of options (menu objects) that are hidden from the user and are displayed when the user manipulates an instrumentality (such as an icon).

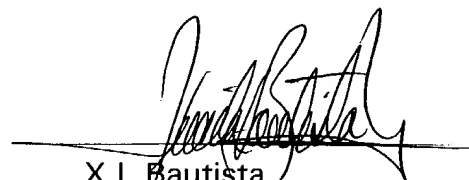
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (703) 305-3921. The examiner can normally be reached on Monday-Thursday (8:00-18:00), Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on (703) 308-3116. The

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fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



X L Bautista
Patent Examiner
Art Unit 2173

xlb
June 9, 2004